

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LEVI B. SEARS,

Plaintiff,

v.

DARIN BALAAM, *et al.*,

Defendants.

Case No. 3:21-cv-00373-MMD-CSD

ORDER

Pro se Plaintiff Levi B. Sears brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 36), recommending the Court grant Defendants’ motion to dismiss (ECF No. 31). Plaintiff had until December 12, 2022 to file an objection. To date, no objection to the R&R has been filed.¹ For this reason, and as explained below, the Court adopts the R&R in full and grants Defendants’ motion.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Here, Judge Denney recommends granting Defendants’ motion because Sears has continually failed to update his address with the Court in accordance with Local Rule IA 3-1 or otherwise indicate an intent to prosecute this action, and the majority of the relevant factors weigh in favor of dismissal under Federal Rule of Civil Procedure 41(b). (ECF No. 36 at 2-4.) The Court

¹The R&R was returned as undeliverable. (ECF No. 37.) However, it is Sears’s responsibility to file notification of any change of mailing address. See LR IA 3-1.

1 agrees with Judge Denney. Having reviewed the R&R and the record in this case, the
2 Court will adopt the R&R in full.

3 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
4 No. 36) is accepted and adopted in full.

5 It is further ordered that Defendants' motion to dismiss (ECF No. 31) is granted.

6 It is further ordered that this action is dismissed without prejudice.

7 The Clerk of Court is directed to enter judgment in Defendants' favor and close this
8 case.

9 DATED THIS 19th Day of December 2022.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE